IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9526 of 2005

Between:

Smt.Geetha Bai. W/o. Late Gangaram
R/o. 12-1-373, Seetharambagh , Hyderabad Rep by her G.P.A. Holder Sri P.Gopala Krishna Rao. Occ . Agriculture,
S/o.Sri P.Ramana Rao. 55 Yrs, R/o. H.No.2-2-18/20/6. Goutham Residency Flat No.102, D.D Clny, Baghamberpet, Hyd.

..... PETITIONER

AND

1 Vice Chairman
Hyderabad urban Development Authority Begumpet , Hyderabad.
2 Urban Land Ceiling Authority
Hyderabad.
3 Prl.Secretary- Revenue,
Govt. of A.P., Secretariat , Hyderabad.
4 Executive Director
HUDA, Urban Forestry Tarnaka, Hyderabad.
5 Commissioner
Municipal Corporation of Hyderabad. Liberty, Hyderabad.
6 Chief Engineer
Minor irrigation, Erramanzil, Hyderabad.
7 Mandal Revenue Officer
Balnagar Mandal, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the 1st Respondent in initiating steps to construct peripheral Bund within the property of the petitioner in Sy.No.113 extent 20.36 Acres, Sy.No.114

extent 16.01 acres in Moosapet Village and Sy.No.580 extent 5.21 acres in Kukatpally Village as illegal,arbitrary and Unconstitutional and further direct the 1st respondent not to illegally construct the peripheral Bund.

Counsel for the Petitioner: MR.C.RAGHU

Counsel for the Respondents 1 and 4: MR.B.VISWANATHA REDDY

Counsel for the Respondents 2, 3, 6 and 7: G.P for Municipality

Counsel for the Respondent 5: Ganta Rama RAo

The Court at the admission stage made the following :

ORDER:

This writ petition is filed seeking a declaration that the action of the first respondent in initiating steps to construct peripheral bund within the property of the petitioner to the extent of Acs.20.36 in Survey No.113 and Acs.16.01 in Survey No.114 in Moospaet Village and Acs.5.21 in Survey No.580 in Kukatpally Village as illegal and arbitrary and for a consequential direction to the first respondent not to illegally construct the peripheral bund.

It is not in dispute that the land in question is the subject matter of a Revision Petition filed under Section 34 of the Urban Land Ceiling (Regulation) Act, 1973, which is pending before the 3rd respondent. In the circumstances, the petitioner ought to have made an appropriate application before the 3rd respondent seeking stay of the alleged construction of peripheral bund by the 1st respondent.

Accordingly, granting leave and liberty to the petitioner to file an appropriate application before the 3rd respondent, the writ petition is disposed of. It is, however, made clear that if the petitioner makes any such application, the same shall be considered and appropriate orders be passed, in accordance with law, within a period of one week from the date of receipt of such application. There shall be no order as to costs.

26.04.2005

Jsu

To

1 Vice Chairman

Hyderabad urban Development Authority Begumpet , Hyderabad.

2 Urban Land Ceiling Authority
Hyderabad.

3 Prl.Secretary- Revenue,
Govt. of A.P., Secretariat , Hyderabad.

4 Executive Director
HUDA, Urban Forestry Tarnaka, Hyderabad.

5 Commissioner
Municipal Corporation of Hyderabad. Liberty, Hyderabad.

6 Chief Engineer
Minor irrigation, Erramanzil, Hyderabad.

7 Mandal Revenue Officer
Balnagar Mandal, Hyderabad.

8 2 CD copies.

9 2 CCs to the G.P for Municipalities, High Court Buildings,

Hyderabad. (OUT)